The above amendment is responsive to points set forth in the Official Action, as will be discussed in detail below.

Claims 3, 13, 14, 17 and 21 have been rejected under 35 USC 112 on the ground that the disclosure is enabling only for claims limited to the procedures demonstrated in Examples 1 to 3.

The rejection states that the principal difference between the enabling and non-enabling examples is in the phrases used to describe them, i.e., "has been used" in the enabling procedures, and "can be used" in the allegedly non-enabling procedures.

The process of the present invention is broadly applicable.

In this regard, many techniques in molecular biology, biochemistry and chemistry rely on the process of precipitation. There are two types of precipitation.

In the first type of precipitation, the components from a complex solution that are <u>not of interest are selectively precipitated</u>. The precipitate and supernatant are then separated (usually by centrifugation or filtration) and the supernatant is kept for further use.

In the second type of precipitation, the components <u>of interest</u> from a complex solution <u>are selectively precipitated</u>. The precipitate and supernatant are separated (again by centrifugation or filtration) and the precipitate is kept for further use. This precipitate may well be redissolved for further use.

The idea of the present invention is to use magnetic beads, in place of centrifugation or filtration, to separate the precipitate from the supernatant. This idea is broadly applicable to a wide variety of materials. The data presented in the specification make it plausible that magnetic beads can be used to recover any precipitate from any supernatant. In view of this explanation, there is no basis for limiting applicants to

particular precipitates and particular supernatants as described in the examples.

In this regard, in claim 21, line 1, the term "low molecular weight" has been deleted. The method described is effective to recover all the nucleic acids in the starting bacteriophage, regardless of whether these are all of low molecular weight or not.

With regard to the rejection of claims 3, 9, 10, 13 to 15 and 17 under 35 USC 112 as indefinite, the Examiner recommends insertion of the phrase "containing nucleic acid" after "solution" in claim 13, line 2. However, claim 13 already contains such term, as is evident from the preliminary amendment of October 4, 1994.

With regard to the rejection of claim 13 on the ground that there is no antecedent basis for the term "a solution", it is considered that no antecedent basis is required. Nevertheless, to distinguish the starting solution from the product, such solution is now referred to as a "starting solution".

This amendment is also responsive to the comment that claim 13 is unclear in setting forth which solution is referred to in line 6.

With regard to the rejection of claim 14 in the use of the term "impure solution" in line 5, it is noted that such term appears in line 4 and has been changed to "bacterial lysate" in the Response to Final Rejection dated May 3, 1994.

With regard to the rejection of claim 15 on lack of proper antecedent basis in the use of the term "suspended magnetically attractable particles", such term does not appear in the claim, but rather the term "suspended magnetically attractable beads", which term has clear antecedent basis.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, he is invited to contact the undersigned at the telephone or facsimile number below.

Respectfully submitted,

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